

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363745-0

Total Deleted Page(s) = 6

Page 11 ~ b6; b7C;

Page 15 ~ b6; b7C;

Page 18 ~ b6; b7C;

Page 19 ~ b6; b7C;

Page 20 ~ b6; b7C;

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1202212-0

Total Deleted Page(s) = 6

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Subject's name and aliases

Character of case

Complainant ☐ Protect Source ☐

Complaint received by

Field Office Mobile

Telephone

☒ Personal ☐ Telephonic Date 06/17/2005 Time 2:00 pm

Complainant's address and telephone number

Complainant's DOB

Sex

Employer	Address	Telephone
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Vehicle Description

Facts of Complaint

On 06/17/2005, [REDACTED] American Family Association, asked for a meeting at the U.S. Attorney's Office, Middle District of Alabama. At this meeting, Mr. [REDACTED] presented affidavits and pictures that he believes constitute the beginning of a case of Interstate Transportation of Obscene Material by Movie Gallery, Inc. According to Mr. [REDACTED] at Movie Gallery is the second largest retail vendor of videos in the U.S. Movie Gallery has 2,400 locations. At about 600 of these locations, Movie Gallery stores have a back room where pornography is sold. According to Mr. [REDACTED] these pornographic materials are obtained from Digital Sin, Inc., 21345 Lassen Street, Chatsworth, CA 91311. These materials are sent by UPS to Movie Gallery

Do not write in this space

(2).

(plaint received by)

BLOCK STAMP

145B-MO-44952 

Headquarters in Dothan, Alabama. According to Mr. [REDACTED] this shipment of merchandise constitutes obscene material.

b6
b7c

According to Mr. [REDACTED] Movie Gallery Headquarters, 900 West Main, Dothan, Alabama 36301, is run by President [REDACTED]
[REDACTED]

Mr. [REDACTED] has gathered information from various former employees of Movie Gallery, and has personally taken some pictures of material available in some back rooms of Movie Gallery locations. These materials will be enclosed in a 1A envelope.

AFFIDAVIT

I for the American Family Association, Inc. attest that during 2003 I personally telephoned 926 Movie Gallery Stores and inquired whether or not each store had an "adult gallery." 413 stores reported that they did have a hard-core back-room or "adult gallery" in addition to the standard "mature gallery," which features *Playboy* type videos. I certify that I have a log recording the Movie Gallery stores I called, who I talked to, and whether or not they reported an "adult gallery."

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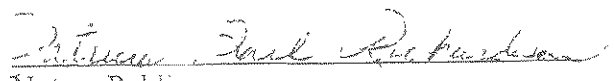
In January, 2005, Movie Gallery stated that when they acquires video stores, Movie Gallery continues to operate any existing "adult galleries." Movie Gallery added more than 595 stores during 2003 and 2004.

COPY



STATE OF MISSISSIPPI
COUNTY OF LEE

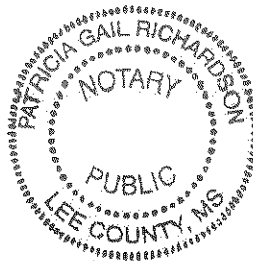
PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 11th day of February, 2005, within my jurisdiction, the within named Randall Lynn Sharp, who acknowledged that he executed the above and foregoing instrument.


Notary Public

My Commission Expires:

August 6, 2008

(Affix official seal, if applicable)



Notary Public State of Mississippi
At Large
My Commission Expires
August 6, 2008
BONDED THRU
HEIDEN BROOKS & GARLAND, INC.

COPY

LAW OFFICES OF
DORRILL, PETTIT, CROSBY & WHITE

105 SOUTH MADISON STREET
KOSCIUSKO, MISSISSIPPI 39090

TELEPHONE: 662-289-1133
FACSIMILE: 662-289-1804
email: kosylaw@bellsouth.net

GEORGE L. DORRILL
DOUG S. CROSBY
JASON M. WHITE

OF COUNSEL:
OTHO E. (BUBBA) PETTIT, JR.

November 1, 2004

Ms. [REDACTED]
Movie Gallery Services, Inc.
333A Highway 12 East
Kosciusko, Mississippi 39090

VIA CERTIFIED MAIL
Return Receipt Requested

b6
b7C

Ms. [REDACTED]
Movie Gallery Services, Inc.
900 West Main
Dothan, Alabama 36301

RE: Obscene Material

Dear Ms. [REDACTED] and Mrs. [REDACTED]

I am the City Prosecutor for the City of Kosciusko, Mississippi.

I have recently been advised that the Movie Gallery video store in Kosciusko, Mississippi has materials that may be in violation of Section 97-29-101 of the Mississippi State Code. This statute states:

"A person commits the offense of distributing obscene materials... when he... rents to any person any obscene material... or possesses such material with the intent to do so."

Section 97-29-103 of the Mississippi State Code defines the word "obscene."

November 1, 2004

Page -2-

Section 97-29-109 of the Mississippi State Code then states that any person who violates Section 97-29-101:

“... shall be guilty of a misdemeanor and, upon conviction, shall, in the case of the first offense, be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned in the County Jail for a term not to exceed six (6) months, or both.”

I am therefore writing you this letter and requesting that you review all of the materials in your Kosciusko, Mississippi store and remove any obscene materials from that store within thirty (30) days from the date of this letter.

If all such obscene material has not been removed from the store within thirty (30) days from the date of this letter, I will have no choice as City Prosecutor but to take appropriate legal action to see that there is compliance with the laws of the State of Mississippi.

Very truly yours,



b6
b7C

WILLIAM W. ODOM, JR.
ATTORNEY AT LAW

P.O. Box 1393
Corinth, MS 38835-1393

404 Waldron Street
Corinth, MS 38834
E-Mail bodom@avsia.com

Telephone: 662-286-9311
Facsimile: 662-286-9312

May 23, 2003

[REDACTED]
Video Gallery
1960 East 3rd Street
Corinth, MS 38834

Via Hand Delivery

b6
b7C

[REDACTED]
Video Plex
1511 Highway 72 East
Corinth, MS 38834

Via Hand Delivery

[REDACTED]
Video Plex
1511 Highway 22 East
Corinth, MS 38834

Via Hand Delivery

Manager or Assistant Manager
Movie Gallery #314
600 South Cass Street
Corinth, MS 38834

Via Hand Delivery

[REDACTED]
Movie Gallery
900 West Main Street
Dothan, AL 36301

Via Certified Mail
Return Receipt Requested

[REDACTED]
Movie Gallery
900 West Main Street
Dothan, AL 36301

Via Certified Mail
Return Receipt Requested

Re: Obscene Material

Dear Sirs or Madams:

The City of Corinth, Mississippi has received complaints of possible violations of Section 97-29-101 of the Mississippi Code of 1972, Annotated, as amended, in the rental of obscene material. According to the statute:

WILLIAM W. ODOM, JR.
ATTORNEY AT LAW

Video Gallery
Video Plex
Movie Gallery



May 23, 2003
Page 2

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b7C

"A person commits the offense of distributing obscene materials... when he... rents to any person any obscene material... of possesses such material with the intent to do so."

Please review your stock and remove any obscene materials from the shelves. If all obscene material is not removed within two (2) weeks of the date of receipt of this letter, appropriate legal action will be taken against you in accordance with law.

Thank you for your cooperation in this matter.

Yours truly,



City Attorney



cc: City of Corinth

WILLIAM W. ODOM, JR.
ATTORNEY AT LAW

Video Gallery
Video Plex
Movie Gallery



May 23, 2003
Page 3

bcc:



b6
b7C

TAYLOR TUCKER
ATTORNEY-AT-LAW
314 NORTH COURT AVENUE P. O. BOX 7
LOUISVILLE, MISSISSIPPI 39339

FAX
(662) 773 9255

EMAIL
ttucker@telapex.com.

TELEPHONE
(662) 773 9254

May 24, 2001

Discount Video


432 North Church Avenue
Louisville, MS 39339

Movie Place Video No. 4
504 South Church Avenue
Louisville, MS 39339

Movie Gallery
516 North Church Avenue
Louisville, MS 39339

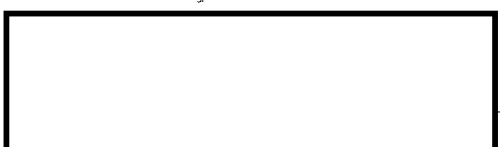
I have received complaints of possible violations of Section 97-29-101, Mississippi Code of 1972, Annotated, in the rental of obscene material. According to the statute

"A person commits the offense of distributing obscene materials. . .when he . . . rents to any person any obscene material. . . or possesses such material with the intent to do so."

This letter is a request for you to review your materials and remove any obscene material from your business establishment.

If all obscene material is not removed within thirty (30) days of this letter, I will take the appropriate legal means to see that there is compliance with the state law.

Sincerely,


Prosecutor For The City
Of Louisville, Mississippi

TT/dc

b6
b7C

THE CITY OF STARKVILLE
MUNICIPAL COURT

City Hall
101 Lampkin Street
Starkville, Mississippi 39759
Phone: (662) 323-1491 • Fax (662) 615-4141

William D. Eshee, Jr.
Municipal Judge

Rodney P. Faver
Prosecuting Attorney

Tony M. Rook
Court Administrator

Debra Wood
Court Clerk

September 9, 2004

[REDACTED]
Movie Gallery Services, Inc.
900 West Main
Dothan, AL 36301

RE: Obscene Material

Dear Mr. [REDACTED]

I have received complaints of possible violations of Section 97-29-101, Mississippi Code, 1972, Annotated, in the rental of obscene material. According to the statute:

"A person commits the offense of distributing obscene materials... when he... rents to any person any obscene material... or possesses such material with the intent to do so."

I writing this letter and requesting that you review your materials and remove any obscene materials from your business establishment.

If all obscene material is not removed within thirty (30) days of this letter, I will take the appropriate legal means to see that there is compliance with the State Law.

Yours very truly, /

[REDACTED]
Prosecutor for the
City of Starkville, Mississippi

b6
b7c

[REDACTED]

HUNTON
WILLIAMS

HUNTON & WILLIAMS LLP
1751 PINEAPPLE DRIVE,
SUITE 1700
MCLEAN, VIRGINIA 22102

TELEPHONE 703-714-7400
FAX 703-714-7410

PETER H. WHITE
DIRECT DIAL 703-714-7269
EMAIL pwhite@hunton.com

FIL-NO. 59893 00004

April 29, 2003

[REDACTED]

Deputy Commonwealth's Attorney
County of Loudoun, Virginia
20 East Market Street
Leesburg, Virginia 20176-2809

Dear Mr. [REDACTED]

As you know, we represent the Movie Gallery store located at 609 East Main Street, Suite AA, Purcellville, Virginia. This store is currently the subject of a public nuisance investigation by your office pursuant to Title 48 of the Virginia Code.

As I mentioned in our telephone conversation yesterday, we believe that this store has at all times operated in a legal and responsible manner. However, in the interest of good corporate citizenship, the Movie Gallery has decided to close its back room, which has not been open to the public since March 12, 2003. In exchange for this concession, you have agreed in our telephone conversation today that your office would not institute legal proceedings of any kind against this store or its owners as long as the Movie Gallery did not reopen the back room portion of this store at this location. Please respond confirming my understanding of our agreement for our files.

We appreciate your consideration of this matter. Please give me a call at [REDACTED] if you have any questions.

Sincerely,

[REDACTED]

6/11/03 1:00 PM
6/11/03 1:00 PM
6/11/03 1:00 PM

b6
b7C



COMMONWEALTH of VIRGINIA
Office of the Commonwealth's Attorney

ROBERT D. ANDERSON
COMMONWEALTH'S ATTORNEY

OWEN D. BASHAM
DEPUTY
COMMONWEALTH'S ATTORNEY

County of Loudoun
20 East Market Street
Leesburg, Virginia 20176-2809
(703) 777-0242
metro 478-8422
fax: (703) 777-0160

JULIE A. CARLSON
VICTIM WITNESS COORDINATOR
(703) 777-0417

May 2, 2003

[REDACTED]

Huntton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

Dear Mr. [REDACTED]

Please consider this letter as acknowledgment of your correspondence dated April 29, 2003. Your letter correctly outlines the terms of our agreement with respect to the Movie Gallery. However, be advised that the Office of the Commonwealth's Attorney intends to periodically inspect the Movie Gallery store located at 609 East Main Street, Suite AA, Purcellville, Virginia to ensure that it continues to fulfill its obligations per our agreement. We will retain the evidence seized pursuant to the search warrant for a reasonable period of time should we need to present it to the Grand Jury.

Thank you for your cooperation in this matter.

Sincerely,

[REDACTED]

Deputy Commonwealth's Attorney

b6
b7c



COMMONWEALTH of VIRGINIA
Office of the Commonwealth's Attorney

ROBERT D. ANDERSON
COMMONWEALTH'S ATTORNEY

OWEN D. BASHAM
DEPUTY
COMMONWEALTH'S ATTORNEY

County of Loudoun
20 East Market Street
Leesburg, Virginia 20176-2809
(703) 777-0242
memo 478-6422
fax (703) 777-0160

JULIE A. CARLSON
VICTIM WITNESS COORDINATOR
(703) 777-0417

June 9, 2003

[REDACTED]

231 Frazer Drive
Purcellville, Virginia 20132

Re: Purcellville Movie Gallery

Dear Ms. [REDACTED]

Thank you for your assistance in dealing with the nuisance allegations against the Purcellville Movie Gallery.

That matter has been resolved by agreement between the Commonwealth of Virginia and the Movie Gallery under terms that the Movie Gallery will not reopen the back room portion of the store to distribute x-rated materials in Purcellville. I am enclosing copies of the correspondence between the Movie Gallery's legal counsel and myself. I trust this resolution is satisfactory to all. Should you have questions, I can be reached at [REDACTED].

In the future, if you observe a resumption of these activities please advise me.

Sincerely yours,

[REDACTED]

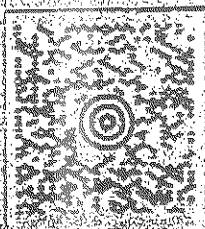
Deputy Commonwealth's Attorney

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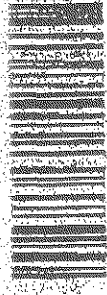
SHIPPING DEPT.
1000 779 1000
2100 1000
2100 1000
2100 1000



MOVIE GALLERY
900 W. MAIN STREET
DOTHAN AL 36301-1410

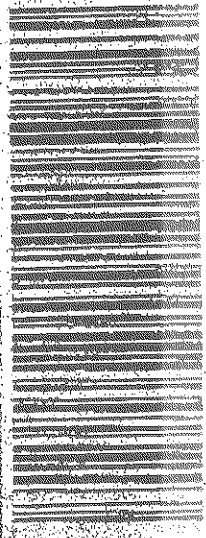


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UPS NEXT DAY AIR

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BILLING: P/P

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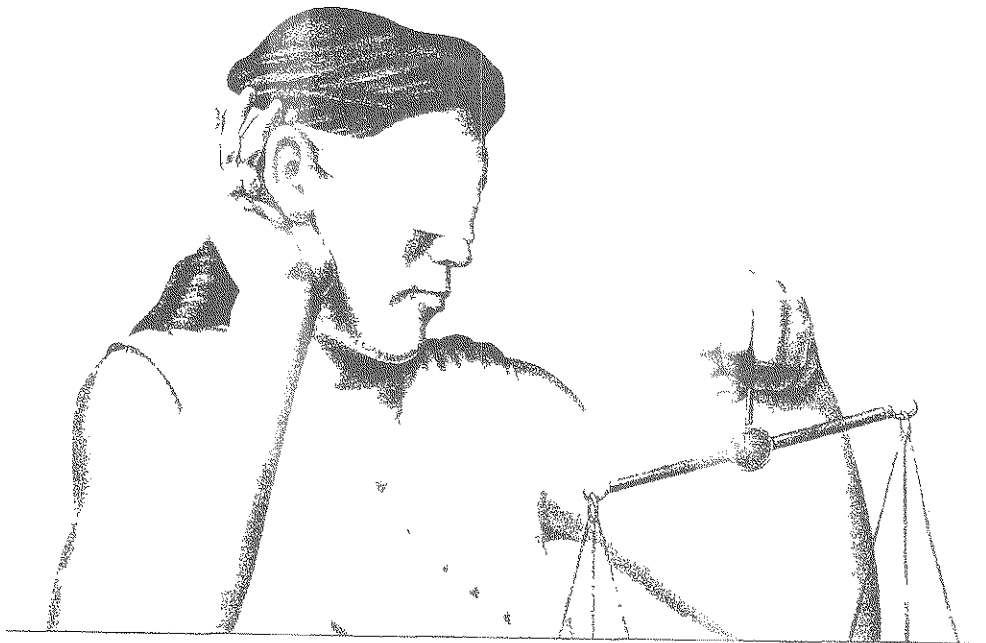
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Next Day Air

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DOJ and State Prosecutors throughout the country should begin immediate investigations into the products and practices of Movie Gallery Video Stores, and aggressively enforce Federal and State laws regarding obscene material



Millions of American families are speaking with one voice to keep Movie Gallery's hard-core porn out of our towns. Is DOJ listening?

Movie Gallery is America's largest retailer of hard-core sex videos, and their attempt to acquire family friendly neighborhood Hollywood Video stores across the U.S. is a serious threat to our communities!

WHAT JUSTICE SHOULD KNOW

Hollywood Video is the nation's number three home video chain with some 1900 family video stores throughout the country. Movie Gallery is the number two chain and they are the largest retailer of hard-core pornography in the U.S. Their 2200+ stores are located in smaller rural and secondary markets, but their approximate \$650 million bid to buy Hollywood's operation will put them right where they want to be: in front of most every American family with a chance to expand distribution of hard-core pornographic material.

Movie Gallery's offer is on the table. Hollywood Video's Board could soon vote to accept it. But here's the bad news: *Movie Gallery isn't just bringing family film to America's doorstep.*

In more than 400 of their stores, Movie Gallery features back rooms stacked with racks full of hard-core pornography featuring titles that can't be priced in this space.

Explicit R-rated and NC-17 videos also line their shelves mixed in with the general releases outside the hard-core rooms. It's not at all uncommon to find these videos in full view of children and racked directly next to the kids video section.

Law enforcement officers will tell you that those who sexually abuse children use pornography to stimulate themselves. In fact, a 1991 study by the Los Angeles Police Department showed that pornography was used in two thirds of child molestation cases over a 10-year period.

WHAT MOVIE GALLERY KNOWS

Joe Malugen, Movie Gallery's co-founder and CEO, has repeatedly ignored all reasonable requests to stop profiting from hard-core pornography. As a former attorney, Malugen must understand that some of the sexual material they rent and sell is exposed to the light of legal scrutiny, is likely to be found illegal. After all, he and his Board have

already been forced to close several hard-core back rooms in Mississippi to avoid obscenity prosecutions. Yet he has consistently put profit over principle in order to expand the reach of his company's pornography distribution.

Movie Gallery's 2003 Annual Report gives a glimpse into the economics of why Home video sales and rentals provide a whopping 60% of movie studio revenue — studios whose films first run in theater chains across America. But sex video producers don't have the same network of theaters and must lean more heavily on a distribution channel like Malugen and Movie Gallery, willingly provide.

With thousands of adult movies produced each year they have to go somewhere. That means if Hollywood Video's Board votes yes to this merger offer, it will immediately make their 2900 neighborhood outlets available to the pornography industry and hard-core porn merchants like Malugen.

WHAT'S AT ISSUE

The issue here is *law enforcement*. Justice knows that *all hard-core obscenity is illegal*. Period.

State and Federal governments have long recognized a compelling interest in protecting citizens from the harms of hard-core pornography and obscenity. Forty-five States expressly prohibit the distribution of obscenity, and under Federal law it's illegal to transport obscene material across state lines. That means obscenity produced in California (where 90% of retail sex videos originate) and rented or sold in other states is illegal.

And there's the rub: The laws are on the books. *But the laws are NOT being enforced.*

Movie Gallery's Joe Malugen and his Board — Harrison Parrish, John Jump, James Lockwood and William Snow — need to be held accountable for selling hard-core prosecutable pornography.

Justice knows this is not about "free speech." Hard-core obscenity is NOT protected under the First

Amendment, despite years of attempts by pornographers to lower the bar.

It's about the message DOJ has sent to State and local prosecutors for the past decade: that investigation and prosecution of companies like Movie Gallery and men like Joe Malugen and his Board are NOT a priority.

It's time to change that.

WHAT MUST BE DONE

In a culture dealing with the ever-increasing social fallout of sexual addiction and sexual abuse against women and children, the last thing we need is major corporations taking profits out of our communities without taking responsibility for the cultural pollution they dump in.

American families can't trust Movie Gallery to stay out of the business of pornography. Justice shouldn't either. And the Hollywood Video Board of Directors must understand that *we'll abandon Hollywood Video stores if they abandon us to pornographers.*

Millions of American families are speaking with one voice on this: *DOJ are you listening?* It's time DOJ did the work American taxpayers expect to be done to protect our communities.

STOP THIS MERGER! INVESTIGATE MOVIE GALLERY NOW.

1. The US Attorney General's office (202-353-1555) should begin immediate investigation into distribution of illegal obscene material at Movie Gallery stores with hard-core back rooms, and publicly commit to make obscenity prosecution's high priority.

2. The Federal Trade Commission (202-326-2322) should STOP the pending merger between Hollywood Video and Movie Gallery, a known distributor of hard-core prosecutable pornography.

WWW.VICTIMSOFPORNOGRAPHY.ORG



SPEAKING OUT AGAINST PORNOGRAPHY
THE CAMPAIGN FOR CORPORATE RESPONSIBILITY

Citizens for Community Values American Family Association Family Research Council Focus on the Family Concerned Women For America
Morality in Media Parents Television Council Coral Ridge Ministries Ethics & Religious Liberty Commission American Decency Association
Catholic League National Coalition for the Protection of Children & Families

A coalition of individuals, including Richard M. Valeri, was formed in June of 2002 to focus on children and sex-related issues. On December 1, 2004, Hollywood's attempt to merge with Movie Gallery was announced. The coalition's purpose is to educate the public and to lobby for legislation to protect children and families from the harmful effects of pornography. The coalition is composed of individuals and organizations who are concerned about the impact of pornography on children and families. The coalition is not a legal entity and does not have the authority to sue or be sued. The coalition is not affiliated with any religious or political organization. The coalition is not a 501(c)(3) organization. The coalition is not a 501(c)(4) organization. The coalition is not a 501(c)(6) organization. The coalition is not a 501(c)(29) organization. The coalition is not a 501(c)(30) organization. The coalition is not a 501(c)(31) organization. The coalition is not a 501(c)(32) organization. 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American Family Association
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Press Release

FOR IMMEDIATE RELEASE

January 18, 2005

Contact: Kathryn Hooks
662-844-5036 X227

AFA says Movie Gallery plans to invade small town America with porn

Tupelo, MS –Randy Sharp, director of special projects for the American Family Association, predicts Movie Gallery's XXX rooms will infiltrate hundreds of small town Hollywood Video stores with porn upon the merger between Hollywood Entertainment Corporation and Movie Gallery.

Movie Gallery announced the definitive merger agreement last week. The combined company will be the second largest North American video rental company with approximately 4,500 stores located in all 50 U.S. states, Canada and Mexico.

"We have reason to believe that chairman Joe Malugen plans to add his infamous 'Mature Gallery' in hundreds of Hollywood stores," Sharp said. "A corporate headquarters employee tells us attorneys have OK'd plans to add XXX rooms to 800 of the acquired stores."

Because many citizens in America are now fighting back for decency and working with local law enforcement agencies, Movie Gallery was forced to shut down some of their "back rooms" to avoid obscenity prosecution. Sharp cites six cities in Mississippi where Movie Gallery closed down its XXX rooms only after receiving letters from prosecutors stating it was in violation of the state obscenity statute.

"Until chairman Joe Malugen has been warned he may face criminal charges, his company has disregarded the law altogether," Sharp said.

Sharp says he hopes Hollywood stockholders will take note of what Movie Gallery plans to do with their company once it takes over.

"American families will not allow this kind of toxic perversion and its resulting atrocities to invade their small towns, and Joe Malugen, the rising king of porn, should take note of appointed attorney general Albert Gonzales' pledge to focus on obscenity enforcement," Sharp said.

For more information on AFA's Movie Gallery boycott visit: www.stopmoviegalleryporn.com

American Family Association is an online family advocacy organization with over two million supporters.